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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/998,569	11/16/2001	Warren Cope	1591	7850
28004	7590	12/28/2005	EXAMINER	
SPRINT			O STEEN, DAVID R	
6391 SPRINT PARKWAY			ART UNIT	
KSOPHT0101-Z2100			PAPER NUMBER	
OVERLAND PARK, KS 66251-2100			2617	

DATE MAILED: 12/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/998,569

Applicant(s)

COPE, WARREN

Examiner

David R. O'Steen

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11-16-2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 28, 29, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gross (2000) in view of Schuster (US 6,175,871). As regards Claims 1, 16, and 31, Gross et al. disclose a network interface configured to receive a network signal from a communication network wherein the network signal includes video (pg. 3, line 8); a memory configured to store video from the network signal (pg. 3, line 7); a video interface (pg. 3, line 10) configured to transfer a video signal to a video display wherein the video signal includes the memory (pg. 44, lines 10-12); and a processing system configured to determine when to initiate the transfer of the video signal from the video based on: a video display rate, a network transfer rate (pg. 65, figure 7.5), a first amount of video in the memory (i.e. buffered reserves) (pg. 44, figure 6.3), a second amount of video to be subsequently received in the network signal (i.e. incoming packets) (pg. 44, figure 6.3), and a user selection, and wherein the network transfer rate is slower than the video display rate (pg. 48, lines 11-14). Gross et al. do not disclose a processing system configured to determine when to initiate the transfer of the video signal from the video based on certain variables.

Schuster does disclose a processing system configured to determine when to initiate the transfer of the video signal from the video based on certain variables (by resizing the buffer, Schuster determines when to transfer the video signal) (col.3, lines 11-15).

Gross and Schuster both come from the same field of endeavor, namely the field of multimedia transmission.

At the time of invention, it would have been obvious to a person of ordinary skill in the art to add the buffer determination system of Schuster with the multimedia system of Gross because having only the necessary amount of the video buffered in the memory before playing is more convenient than having the entire video clip buffered, which is the default in Real Player.

As regards Claims 2, 17, and 32, Gross et al. further disclose that the processing system is configured to determine the network transfer rate based on an initial amount of the video received in the network signal and a time period to receive the initial amount of the video (pg. 37, lines 22-23). It is inherent in the 'Perfect Play' setting that before determining which quality of video the user receives, the computer must first determine the network transfer rate.

As regards Claims 3, 18, and 33, Schuster discloses that the processing system is configured to determine a first time period based on the video display rate times the first amount, to determine a second time period based on the network transfer rate times the second amount, and to initiate the transfer of the video signal when the first time period (i.e. the first variable) is equal to the second time period (i.e. the second variable) (col. 2, lines 57-59).

As regards Claims 4, 19, and 34, Gross et al. disclose that the processing system is configured to determine a first time period based on the video display rate times the first amount, to determine a second time period based on the network rate times the second amount, and to initiate the transfer of the video when the first time period (i.e. the first variable) is greater than the second time period (i.e. the second variable) (col. 2, lines 57-59).

As regards Claims 5, 20, and 35, Gross et al. disclose that the first amount of the video in the memory includes a previously received and displayed portion of the video (that is, the video represented to the left of Position Slider) (pg. 19, Navigation Table).

As regards Claims 6, 21, and 36, Gross et al. disclose that the processing system is configured, prior to the user instruction, to determine the first amount and direct the video system to store in the memory at least the first amount of the video previously received and displayed, so upon the user selection, the video can be immediately and continuously viewed to completion without intermission and before all of the video is received in the network signal (that is, the video represented to the left of Position Slider) (pg. 19, Navigation Table).

As regards Claims 7, 22, and 37, Gross et al. disclose that the processing system is configured (by raising the amount of video buffered) to initiate the transfer of the video signal when the video can be continuously viewed to completion without intermission and before all of the video is received in the network signal (pg. 65, lines 11-13).

As regards Claims 8, 23, and 38, Gross et al. disclose that the processing system is configured (by raising the amount of video buffered) to initiate the transfer of the video signal when the video can be viewed to completion with one intermission and before all of the video is received in the network signal (pg. 65, lines 11-13).

As regards Claims 9, 24, and 39, Gross et al. disclose that the processing system is configured to initiate the transfer of the video signal when a user-selected portion of the video can be viewed to completion without intermission and before all of the video is received in the network signal (pg. 65, lines 11-13).

As regards Claims 10, 25, and 40, Gross et al. disclose that the processing system is configured to transfer a menu signal to the video display to display a user selection menu (pg. 9, figure 3.1).

As regards Claims 11, 26, and 41, Gross et al. disclose that the user selection menu indicates a plurality of available videos for viewing on-demand (such as channels) and the user selection selects the video from the available videos (pg. 9, figure 3.1).

As regards Claims 13, 28, and 43, Gross et al. disclose that the user selection menu (such as in the status bar) indicates a time remaining before the transfer of the video signal will initiate (pg. 9, figure 3.1).

As regards Claims 14, 29, and 44, Gross et al. disclose that the user selection menu provides a notice when the transfer of the video signal is initiating (pg. 9, figure 3.1).

Claims 12, 15, 27, 30, 42, and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gross (2000) in view of Schuster (US 6,175,871) and Shah-Nazaroff

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(US 6,157,377). As regards Claims 12, 27, and 42, Gross and Schuster jointly disclose the video system, method, and soft program of Claims 11, 26, and 41 but do not disclose that the user selection menu indicates a plurality of available display rates and the user selection selects the video display rate from the available video display rates. Shah-Nazaroff does disclose that the user selection menu indicates a plurality of available display rates and the user selection selects the video display rate from the available video display rates (figure 5).

Gross, Schuster, and Shah-Nazaroff all come from the same field of endeavor, namely the field of multimedia transmission.

At the time of invention, it would have been obvious to a person of ordinary skill in the art to add the available display rates of Shah-Nazaroff to the multimedia system of Schuster and Gross because users may enjoy more downloading lower quality video if it takes less time.

As regards Claims 15, 30, and 45, Shah-Nazaroff discloses that the video signal is configured as a channel for a satellite system video decoder (figure 5).

### ***Conclusion***


2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Tillman (US 6,496,980) discloses a method of using the cache to allow high-quality video with a low bit rate network connection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David R. O'Steen whose telephone number is 571-272-7931. The examiner can normally be reached on 8:30 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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